

# PATENT COOPERATION TREATY

# PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
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## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Date of mailing (day/month/year)	22/10/2003
Applicant's or agent's file reference 0275M-632POA	PAYMENT DUE within 45 <del>months</del> days from the above date of mailing
International application No. PCT/US 02/ 22829	International filing date (day/month/year) 17/07/2002
Applicant EMHART LLC	

### 1. This International Searching Authority

- (i) considers that there are 02 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

1-18, 29-34

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

### 2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 945,00 x 01 = EUR 945,00  
Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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**Annex Form PCT/ISA/206**  
**COMMUNICATION RELATING TO THE RESULTS**  
**OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
**PCT/US 02/22829**

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:

**1-18, 29-34**

2. This communication is not the international search report which will be established according to Article 18 and Rule 43.

3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.

4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98 34751 A (FRONIUS SCHWEISSMASCH ;HACKL HEINRICH (AT)) 13 August 1998 (1998-08-13)	1,5-7, 13,14, 16-18, 29,32-34
Y	page 5, line 3-15	2-4, 8-12,15, 30,31
Y	DE 198 28 986 A (TRW NELSON BOLZENSCHWEISSTECHN) 30 December 1999 (1999-12-30)	2,3, 8-12,15, 30,31
A	column 1, line 41-52 column 2, line 58-68	1,29
Y	US 4 804 811 A (GUM CHARLES E ET AL) 14 February 1989 (1989-02-14)	4
A	column 2, line 58-67  column 4, line 58 -column 5, line 10 column 5, line 23-35 column 7, line 62 -column 8, line 7 column 10, line 22-51	1-3,5,8, 29
A	US 5 278 390 A (BLANKENSHIP GEORGE D) 11 January 1994 (1994-01-11) column 1, line 17-23 column 15, line 36,37 column 16, line 7,8	1-18, 29-34

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-18, 29-34

Modular joining system with compatibility check for the different modules and method of operating it.

2. Claims: 19-28, 35-40

Computerized arc welding system with automatic selection of the control system depending on the welding equipment connected to the system and method of operating it.

1 Document US5278390 (D1) discloses a joining system comprising a central unit having a control device and a joining unit including at least a first module and a second module.

D1 further discloses an arc welding system comprising a computerized control device and memory connected to the control device, the memory having stored therein at least the following computer program modules: process software operable to control two different welding processes and analysis software and communications software.

2.1 D1 does not disclose the following features of claims 1 and 29: "the control device operably recognizing the compatibility of at least the modules and the central unit". Therefore these features are the special technical features (STF1) (Rule 13.2 PCT) which solve the following problem:

Detecting whether non compatible modules are connected.

2.2 D1 does not disclose the following features of claims 19 and 35: "the control device automatically accessing the appropriate process software depending upon connected equipment". Therefore these features are the special technical features (STF2) (Rule 13.2 PCT) which solve the following problem:

Automate the selection of the weld process depending on the connected equipment.

3 Since the STF1 and STF2 are different from each other and also solve different problems which are not related, STF1 and STF2 cannot be considered as being the same or corresponding in the sense of Rule 13.2 PCT. Thus there is no technical relationship among the inventions and the requirement for unity of invention (Rule 13.1 PCT) is not fulfilled.

4 Therefore the application contains 2 inventions which are not linked by a single inventive concept.

5 The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched

group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of invention, will be the subject of a search.

No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16).